

Amendments to House Bill No. 85
1st Reading Copy

EXHIBIT

DATE

HB

Requested by Representative Diane Sands

For the House Human Services Committee

Prepared by Sue O'Connell
January 31, 2009 (4:38pm)

1. Title, page 1, line 7 through line 8.
Strike: "PUBLIC" on line 7 through "SERVICES" on line 8
Insert: "TRANSPORTATION"
2. Title, page 1, line 9.
Strike: "CONSOLIDATING AND"
3. Title, page 1, line 10 through line 11.
Strike: "REPEALING" on line 10 through "MCA;" on line 11
4. Page 2, lines 5 through 11.
Strike: subsection (3) in its entirety
Renumber: subsequent subsections
5. Page 2, line 13.
Strike: "public health and human services"
Insert: "transportation"
Strike: "2-15-2201"
Insert: "2-15-2501"
6. Page 2, line 22 through line 30.
Strike: subsection (9) through subsection (12) in their entirety
Renumber: subsequent subsections
7. Page 3, line 5 through line 9.
Strike: subsection (14) in its entirety
Renumber: subsequent subsections
8. Page 3, line 17 through page 4, line 10.
Strike: subsection (17) through subsection (25) in their entirety
Renumber: subsequent subsections
9. Page 5.
Following: line 15
Insert: "(a) one member of the department;"
Renumber: subsequent subsections
10. Page 5, line 16.
Strike: "department's"
Insert: "department of public health and human service's"

11. Page 5, line 18.

Following: "department"

Insert: "of public health and human services"

12. Page 8, line 27 through line 28.

Strike: section 12 in its entirety

Renumber: subsequent sections

13. Page 8, line 30.

Strike: "(1)"

Strike: "and 3"

14. Page 9, line 1.

Following: "part of"

Strike: "Title 50, chapter 6,"

Insert: "Title 61, chapter 2,"

Following: "provisions of"

Strike: "Title 50, chapter 6,"

Insert: "Title 61, chapter 2,"

15. Page 9, line 2.

Strike: "and 3"

16. Page 9, line 3 through line 4.

Strike: subsection (2) in its entirety

- END -

1 HOUSE BILL NO. 85

2 INTRODUCED BY D. SANDS

3 BY REQUEST OF THE CHILDREN, FAMILIES, HEALTH, AND HUMAN SERVICES INTERIM COMMITTEE

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A GRANT PROGRAM FOR EMERGENCY MEDICAL
6 SERVICE PROVIDERS; ESTABLISHING ELIGIBILITY REQUIREMENTS AND REVIEW CRITERIA; CREATING
7 A GRANT REVIEW COMMITTEE; AUTHORIZING THE DEPARTMENT OF ~~PUBLIC HEALTH AND HUMAN~~
8 ~~SERVICES~~ ^{TRANSPORTATION} TO ADOPT RULES; TRANSFERRING MONEY FROM THE HIGHWAY NONRESTRICTED
9 ACCOUNT; PROVIDING A STATUTORY APPROPRIATION; ~~CONSOLIDATING AND~~ PROVIDING
10 DEFINITIONS; AMENDING SECTION 17-7-502, MCA; ~~REPEALING SECTIONS 50-6-202, 50-6-302, 50-6-401,~~
11 ~~AND 50-6-501, MCA; AND PROVIDING AN EFFECTIVE DATE."~~

12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14
15 NEW SECTION. **Section 1. Legislative findings -- purpose.** The legislature finds that the provision
16 of prehospital emergency medical service is a critical component of Montana's health care system because these
17 prehospital services can improve the medical outcomes for people suffering medical emergencies and may
18 improve the safety of motorists on Montana roads by providing emergency response to vehicle crashes. The
19 legislature further finds that emergency medical service providers in many of Montana's rural areas have difficulty
20 in continuing their operations because of demographic and economic circumstances. It is the purpose of [sections
21 1 through 10] to establish a grant program that will support emergency medical service providers by creating a
22 source of funds to cover the costs of buying and maintaining the equipment that an emergency medical service
23 needs in order to be ready to respond to calls.

24
25 NEW SECTION. **Section 2. Definitions.** As used in this chapter, the following definitions apply:

26 (1) "Aircraft" has the same meaning given in 67-1-101. The term includes any fixed-wing airplane or
27 helicopter.

28 (2) (a) "Ambulance" means a privately or publicly owned motor vehicle or aircraft that is maintained and
29 used for the transportation of patients.

30 (b) The term does not include:

- 1 (i) a motor vehicle or aircraft owned by or operated under the direct control of the United States; or
2 (ii) air transportation services, such as charter or fixed-based operators, that are regulated by the federal
3 aviation administration and that offer no special medical services or provide only transportation to patients or
4 persons at the direction or under the supervision of an independent physician.

5 ~~(3) "Automated external defibrillator" or "AED" means a medical device that:~~

6 ~~(a) has received approval for marketing from the U.S. food and drug administration;~~

7 ~~(b) is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular~~
8 ~~tachycardia and of determining, without intervention by an operator, whether defibrillation should be performed;~~

9 ~~(c) upon determining that defibrillation should be performed, automatically charges and indicates that~~
10 ~~it is ready to deliver an electrical impulse to an individual's heart; and~~

11 ~~(d) may be used by an operator of the device to deliver an electrical impulse to an individual's heart.~~

12 (4) "Board" means the Montana state board of medical examiners provided for in 2-15-1731.

13 (5) "Department" means the department of ~~public health and human services~~ ^{transportation} provided for in 2-15-2201/ 2-15-2501

14 (6) "Emergency medical service" means a prehospital or interhospital emergency medical transportation
15 or treatment service provided by an ambulance or nontransporting medical unit.

16 (7) "Emergency medical technician" means a person who has been specially trained in emergency care
17 in a training program approved by the board and licensed by the board as having demonstrated a level of
18 competence suitable to treat victims of injury or other emergent condition.

19 (8) (a) "Emergency response vehicle" means a vehicle used for the dedicated purpose of responding
20 to emergency medical calls.

21 (b) The term does not include a vehicle used for an individual's personal purposes.

22 ~~(9) "Entity" means a public agency, department, office, board, or commission or other governmental~~
23 ~~organization or a private corporation, partnership, group, or business or other private organization.~~

24 ~~(10) "Health care facility" or "facility" means a hospital, critical access hospital, or medical assistance~~
25 ~~facility as defined in 50-5-101.~~

26 ~~(11) "Hospital trauma register" means patient-specific trauma data that is maintained by a health care~~
27 ~~facility, in a format prescribed by department rule, and that has the primary purpose of facilitating peer review and~~
28 ~~quality improvement at the health care facility.~~

29 ~~(12) "Medical control" means the function of a licensed physician in providing direction, advice, or orders~~
30 ~~to an emergency medical service provider.~~

1 (13) "Nontransporting medical unit" means an aggregate of persons who are organized to respond to a
2 call for emergency medical service and to treat a patient until the arrival of an ambulance. Nontransporting
3 medical units provide any one of varying types and levels of service defined by department rule but may not
4 transport patients.

5 ~~(14) "Offline medical director" means a physician who is responsible and accountable for the overall~~
6 ~~medical direction and medical supervision of an emergency medical service and who is responsible for the proper~~
7 ~~application of patient care techniques and the quality of care provided by the emergency medical services~~
8 ~~personnel. The term includes only a physician who volunteers the physician's services as an offline medical~~
9 ~~director or whose total reimbursement for those services in any 12-month period does not exceed \$5,000.~~

10 (15) (a) "Patient" means an individual who is sick, injured, wounded, or otherwise incapacitated or
11 helpless.

12 (b) The term does not include an individual who is nonambulatory and who needs transportation
13 assistance solely because that individual is confined to a wheelchair as the individual's usual means of mobility.

14 (16) "Person" means an individual, firm, partnership, association, corporation, company, group of
15 individuals acting together for a common purpose, or organization of any kind, including a governmental agency
16 other than the United States.

17 ~~(17) "Physician" means an individual licensed to practice medicine pursuant to Title 37, chapter 3, part~~
18 ~~3.~~

19 ~~(18) "Public safety answering point" means a communications facility operated on a 24-hour basis that~~
20 ~~first receives 9-1-1 calls from persons in a 9-1-1 service area and that may, as appropriate, directly dispatch~~
21 ~~public or private safety services or transfer or relay 9-1-1 calls to appropriate public safety agencies.~~

22 ~~(19) "Quality improvement" means the process of defining trauma care system performance standards,~~
23 ~~collecting data against which the standards may be applied, using the data to determine compliance with the~~
24 ~~standards, and using the data and compliance information in a nonpunitive manner, including peer review, that~~
25 ~~will continuously improve performance and facilitate compliance with the standards.~~

26 ~~(20) "State trauma register" means trauma data relating to a specific patient or health care facility that~~
27 ~~is maintained by the department in an electronic format and that has the primary purpose of facilitating peer~~
28 ~~review and quality improvement for a health care facility or a trauma care system.~~

29 ~~(21) "Trauma" means a severe, abrupt injury to the human body that is caused by mechanical,~~
30 ~~environmental, thermal, or other physical force.~~

1 ~~(22) "Trauma care committee" means the trauma care committee created in 2-15-2216.~~

2 ~~(23) "Trauma care system" means a state or regional system for the prevention of trauma and the~~
3 ~~provision of optimal medical care to trauma victims that includes both provision of appropriate health care~~
4 ~~services and provision of emergency medical care, equipment, and personnel for effective and coordinated~~
5 ~~prehospital, hospital, interhospital, and rehabilitative care for trauma patients.~~

6 ~~(24) "Trauma facility" means a health care facility designated by the department pursuant to 50-6-410~~
7 ~~as providing a specialized program in trauma care with appropriately trained personnel, equipment, and other~~
8 ~~facility resources that are specifically organized to provide optimal care to a trauma patient at the facility.~~

9 ~~(25) "Trauma region" means a geographic area, designated by department rule pursuant to 50-6-402,~~
10 ~~within which trauma services are coordinated and evaluated through a regional trauma care system.~~

11 (26) "Volunteer emergency medical technician" means an individual who is licensed pursuant to Title 50,
12 chapter 6, part 2, and provides emergency medical care:

13 (a) on the days and the times of the day chosen by the individual; and

14 (b) for an emergency medical service other than:

15 (i) a private ambulance company, unless the care is provided without compensation and outside of the
16 individual's regular work schedule; or

17 (ii) a private business or a public agency, as defined in 7-1-4121, that employs the individual on a regular
18 basis with a regular, hourly wage to provide emergency medical care as part of the individual's job duties.

19
20 **NEW SECTION. Section 3. Emergency medical services grant program -- eligibility -- matching**
21 **funds.** (1) The department shall provide competitive grants to emergency medical service providers for acquiring
22 or leasing ambulances or emergency response vehicles or for purchasing equipment, other than routine medical
23 supplies, for any of the following purposes:

24 (a) training;

25 (b) communications; or

26 (c) providing medical care to a patient.

27 (2) A licensed emergency medical service may apply for a grant if:

28 (a) it has been in operation at least 12 months;

29 (b) it bills for services at a level that is at least equivalent to the medicare billing level; and

30 (c) a majority of its active emergency medical technicians are volunteer emergency medical technicians.

- 1 (3) An emergency medical service is ineligible for grant funding if it is:
- 2 (a) a private ambulance company; or
- 3 (b) a private business or a public agency, as defined in 7-1-4121, that employs emergency medical
- 4 technicians on a regular basis with a regular, hourly wage.
- 5 (4) An eligible emergency medical service applying for a grant under this section shall provide a 10%
- 6 match for any grant funds received.
- 7 (5) The department, using the review process provided for in [sections 4 and 5], shall award grants on
- 8 an annual basis.

9

10 **NEW SECTION. Section 4. Grant review committee -- reimbursement.** (1) The department shall

11 establish a grant review committee to evaluate applications and make grant award recommendations to the

12 department.

- 13 (2) The grant review committee shall consist of the following members, selected in a manner that
- 14 achieves the geographic and demographic representation of all regions of the state, including urban, rural, and
- 15 tribal areas:
- 16 (a) ~~one member of the department;~~ *department of public health and*
- 17 ~~(a) one member of the department's EMS advisory committee;~~ *human services*
- 18 ~~(b) a representative of an emergency medical service from each of the six emergency medical service~~
- 19 ~~regions established by the department; and~~ *of public health and human services,*
- 20 ~~(c) one member appointed by the board.~~

21 (3) The grant review committee's recommendations are not binding on the department, but when a

22 recommendation is not followed by the department, the department shall provide the reasons to the grant review

23 committee and to the emergency medical service that did not receive a recommended grant award.

24 (4) Members are entitled to reimbursement for expenses, as provided in 2-18-501 through 2-18-503,

25 while engaged in committee business. The department shall pay the expenses from the emergency medical

26 services grant account established in [section 8].

27 **NEW SECTION. Section 5. Grant review criteria.** When evaluating grant applications and

28 recommendations, the grant review committee and the department shall consider the following factors:

- 29 (1) demonstrated need;
- 30 (2) size of the geographic area covered by the emergency medical service;

- 1 (3) distance from other emergency medical service providers in the geographic region;
- 2 (4) distance from the closest hospital;
- 3 (5) number of calls in the previous calendar year; and
- 4 (6) number of volunteer emergency medical technicians on the active call roster.

5
6 **NEW SECTION. Section 6. Grant awards -- appeals.** (1) If the department fails to award a grant
7 recommended by the grant review committee, the emergency medical service provider that was recommended
8 for the award may appeal the decision in writing to the director of the department.

9 (2) After considering the emergency medical service provider's appeal and the rules in place for
10 reviewing and awarding grants, the director shall affirm or deny the appeal in writing.

11 (3) There is no further appeal if the director denies the appeal.
12

13 **NEW SECTION. Section 7. Rulemaking authority.** (1) The department shall adopt rules necessary
14 for the administration of [sections 1 through 10].

15 (2) The rules must include but are not limited to:

- 16 (a) the selection process for the grant review committee;
- 17 (b) the weighting of the criteria listed in [section 5] for scoring purposes;
- 18 (c) allowable reasons for not awarding a grant as recommended by the grant review committee;
- 19 (d) the appeal process for an emergency medical service provider that does not receive a grant as
20 recommended by the grant review committee; and
- 21 (e) reporting requirements for grant recipients.
22

23 **NEW SECTION. Section 8. Emergency medical services grant account.** (1) There is an emergency
24 medical services grant account in the state special revenue fund to the credit of the department to provide grants
25 to emergency medical service providers pursuant to [sections 1 through 10].

26 (2) Money appropriated by the legislature for the grant program must be deposited into the account.

27 (3) (a) Five percent of the annual appropriation must be held in reserve each year to be distributed for
28 emergency purposes only, as provided in [section 9].

29 (b) Any unexpended funds held in reserve for emergency grant appropriations shall revert to the
30 emergency medical services grant account at the end of each fiscal year.

1 (4) The remainder of the fund must be allocated from the account in accordance with the procedures
2 outlined in [sections 1 through 10].
3

4 **NEW SECTION. Section 9. Emergency grant appropriations.** (1) In a documented situation that the
5 department considers to be an emergency for which an eligible emergency medical service provider cannot pay,
6 the department may provide funding to repair or replace a vehicle or equipment that has been damaged or
7 destroyed.

8 (2) Emergency funding may be provided only for vehicles or equipment eligible for grant funding, as
9 provided in [section 3].

10 (3) Normal replacement of an ambulance or equipment may not be considered an emergency.
11

12 **NEW SECTION. Section 10. Transfer of funds -- statutory appropriation.** (1) Except as provided
13 in subsection (2), there is transferred \$1 million annually from the highway nonrestricted account provided for in
14 15-70-125 to the emergency medical services grant account established in [section 8].

15 (2) (a) If at the beginning of any fiscal year the unobligated cash balance in the emergency medical
16 services grant account exceeds \$1 million, the transfer may not be made.

17 (b) If the emergency medical services grant account has an unobligated account balance of less than
18 \$1 million at the end of any fiscal year, the amount of the transfer for the next fiscal year must be reduced by the
19 amount of the unobligated cash balance.

20 (3) Money in the emergency medical services grant account is statutorily appropriated, as provided in
21 17-7-502, to the department for the purposes of [sections 1 through 10].
22

23 **Section 11.** Section 17-7-502, MCA, is amended to read:

24 **"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory
25 appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the
26 need for a biennial legislative appropriation or budget amendment.

27 (2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both
28 of the following provisions:

29 (a) The law containing the statutory authority must be listed in subsection (3).

30 (b) The law or portion of the law making a statutory appropriation must specifically state that a statutory

1 appropriation is made as provided in this section.

2 (3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120;
3 5-11-407; 5-13-403; 7-4-2502; 10-1-1202; 10-1-1303; 10-2-603; 10-3-203; 10-3-310; 10-3-312; 10-3-314;
4 10-4-301; 15-1-121; 15-1-218; 15-23-706; 15-31-906; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121;
5 15-70-101; 15-70-369; 15-70-601; 16-11-509; 17-3-106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-304;
6 18-11-112; 19-3-319; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506;
7 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-534; 20-9-622; 20-26-1503; 22-3-1004; 23-4-105; 23-4-202;
8 23-4-204; 23-4-302; 23-4-304; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 37-43-204; 37-51-501;
9 39-71-503; 41-5-2011; 42-2-105; 44-1-504; 44-12-206; 44-13-102; 50-4-623; [section 10]; 53-1-109; 53-6-703;
10 53-24-108; 53-24-206; 60-11-115; 61-3-415; 69-3-870; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 76-13-150;
11 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-5-510; 80-11-518; 82-11-161; 87-1-513; 90-1-115; 90-1-205;
12 90-3-1003; and 90-9-306.

13 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,
14 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued
15 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana
16 to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state
17 treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory
18 appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion
19 of 19-20-604 terminates when the amortization period for the teachers' retirement system's unfunded liability is
20 10 years or less; pursuant to sec. 4, Ch. 497, L. 1999, the inclusion of 15-38-202 terminates July 1, 2014;
21 pursuant to sec. 10(2), Ch. 10, Sp. L. May 2000, and secs. 3 and 6, Ch. 481, L. 2003, the inclusion of 15-35-108
22 terminates June 30, 2010; pursuant to sec. 17, Ch. 593, L. 2005, the inclusion of 15-31-906 terminates January
23 1, 2010; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates upon the death of the last
24 recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; and pursuant to sec. 6,
25 Ch. 2, Sp. L. September 2007, the inclusion of 76-13-150 terminates June 30, 2009.)"

26
27 ~~NEW SECTION. Section 12. Repealer. Sections 50-6-202, 50-6-302, 50-6-401, and 50-6-501, MCA,~~
28 ~~are repealed.~~

29
30 NEW SECTION. Section 13. Codification instruction. (4) [Sections 1 and 2 through 10] are intended

*Title 61, chapter 2**Title 61, chapter 2*

1 to be codified as an integral part of ~~Title 50, chapter 6~~ and the provisions of ~~Title 50, chapter 6~~ apply to [sections
2 1 ~~and 2~~ through 10].

3 ~~(2) [Section 2] is intended to be codified as an integral part of Title 50, chapter 6, part 1, and the~~
4 ~~provisions of Title 50, chapter 6, apply to [section 2].~~

5

6 NEW SECTION. Section 14. Notification to tribal governments. The secretary of state shall send
7 a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell
8 Chippewa tribe.

9

10 NEW SECTION. Section 15. Effective date. [This act] is effective July 1, 2009.

11

- END -